

## **Remarks{tc "Remarks"}**

In this amendment, new claims 23-28 have been added and claims 1, 9, and 12 have been amended.

### ***Claim Rejections - 35 USC § 103***

Claims 1, 4, 6, 8-9 and 13 have been rejected as being unpatentable over WO 03/090598 (Rosenberg) in view of U.S. Patent No. 5,592,953 (Delao). Withdrawal of the rejection is respectfully requested for at least the following reasons.

#### **Claim 1**

Claim 1, as amended, recites, *inter alia*, that the sleeve is “shaped and sized so as to have a circumference configured to loosely fit around the limb of a patient whose limb surface is to be sterilised.”

The Examiner contends that the device of Rosenberg discloses the sleeve shaped and sized so as to loosely fit around the limb of a patient. However, the device of Rosenberg is not loose, but instead is designed to be closer-fitting. For example, and as pointed to by the Examiner, Rosenberg relies on the covering layer being elastic or pliant to accommodate different sized limbs (page 7, lines 31-34; page 14, lines 21-25). Further, FIG. 1 of Rosenberg shows the covering layer fitting tightly around the limb.

Further, one having ordinary skill in the art would not be motivated to modify Rosenberg to include this feature of the claimed invention, because a loose sleeve would be more likely to move against, and thus irritate, the burned flesh of the limb being treated in Rosenberg.

Claim 1 has also been amended to recite, *inter alia*, that “respective elastic limb-sealing means extend radially inwardly from the circumference of the tubular sleeve to form respective elastically deformable holes for forming the respective seals, the holes having an unstretched circumference substantially smaller than the circumference of the flexible tubular sleeve.”

Neither Rosenberg nor Delao have been found to teach or suggest this feature of the claimed subject matter. Instead, both devices use sealing means integrated into an open end of the main sleeves. Although Delao includes a foam layer between the

elastic sections and a limb, Delao specifically teaches that this layer should be thin (1-10mm, col. 8, lines 4-5).

Further, there is no motivation provided in either reference to suggest, to one having ordinary skill in the art, modifying the designs of Rosenberg and/or Delao to include these additional features.

Therefore, the combination of Rosenberg and Delao fails to render claim 1 obvious and the rejection should be withdrawn.

#### Claim 4

Claim 4 further recites, wherein the limb-sealing means are so constructed as to create a wiping action when slid, in use, along a patient's limb.

The Examiner concedes in the rejection of claim 1 that Rosenberg does not actually teach sealing means, but only provides motivation for including sealing means. Even if Rosenberg provides this motivation when in use on a limb, there is no motivation to include sealing means in the device of Rosenberg when slid along the limb.

In fact, Rosenberg teaches away from such a combination. Rosenberg is directed towards a sleeve for a burn victim and specifically mentions that the sleeve should be configured so as to minimize friction and abrasion (page 7, lines 31-34). One having ordinary skill in the art would, thus, not modify Rosenberg to include a sealing means that, when slid, would perform a wiping action on the limb.

Therefore, in view of the patentability of claim 1, and further in view of its additional features, claim 4 is also patentable over the combination of Rosenberg and Delao. Therefore, the rejection should be withdrawn.

#### Claim 2

Claim 2 has been rejected as being unpatentable in further view of U.S. Patent No. 5,494,050 (Reyes). Withdrawal of the rejection is respectfully requested for at least the following additional reasons.

Claim 2 further recites wherein at least one of the limb-sealing means comprises a perforated, elastic diaphragm.

The Examiner relies on the teachings of Reyes to teach this additional feature. However, one having ordinary skill in the art would not modify Rosenberg to include this

feature. As mentioned above, Rosenberg is directed to a device for burn victims. The end of the sleeve in Rosenberg is left open and is capable of being sealed with, for example, an elastic band. The elastic band would be capable of being loose (as shown in Delao) when the sleeve is being positioned on the limb of a burn victim. This looseness would protect a burn victim from undesirable irritation as espoused by Rosenberg. One having ordinary skill in the art, then, would not be motivated to combine the fenestration of Reyes with the device of Rosenberg, because the fenestration of Reyes is designed to stretch to fit over and conform to a limb and is not capable of loosening.

At least in view of the foregoing, claim 2 is patentable over the combination of Rosenberg, Deal, and Reyes and the rejection should be withdrawn.

Claim 10

Claim 10 has been rejected as being unpatentable in over Rosenberg and Delao in further view of U.S. Patent No. 3,327,705 (Miller). Withdrawal of the rejection is respectfully requested for at least the following additional reasons.

The Examiner contends that Miller teaches an easily rupturable container inside a sleeve, and specifically identifies element 13 as that container. In contrast to the Examiner's contention, Miller does not teach this feature. Rather, the fluid in Miller's device is not contained in an easily rupturable container, but is, instead, free-flowing. Element 13 is actually identified as a wad of fibrous material 13 which may be squeezed for exercise and to circulate the fluid.

Therefore, for at least this additional reason, claim 10 is patentable over the combination of Rosenberg, Delao, and Miller and the rejection should be withdrawn.

The absence in this reply of any comments on the other contentions set forth in the Office Action should not be construed to be an acquiescence therein. Rather, no comment is needed since the rejections should be withdrawn for at least the foregoing reasons.

***Conclusion***

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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